

## REMARKS

The references cited by the Examiner in the rejections of the claims along with the Examiner's comments have been diligently studied. Reconsideration of the above-identified patent application in view of the amendment above and the remarks below is respectfully requested.

Claims 1-3, 11, 25 and 31 have been amended. Claims 23-24 and 29-30 have been canceled. No new claims have been added. Therefore, claims 1-22, 25-28 and 31-33 are under active consideration.

Claims 1-2 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0048520 to N. Kobayashi (hereinafter Kobayashi). In support of the rejection, the Examiner commented,

Kobayashi discloses a terminal block (10) for conductively coupling at least one pair of electrical wires (paragraph 0003), the terminal block comprising:

- (a) a non-conductive base (11, 16),
- (b) a first conductive bus bar (24) mounted on the base,
- (c) a second conductive bus bar (23) mounted on the base in a spaced apart relationship (fig. 2) from the first bus bar, and
- (d) a conductive shunt (30) adapted to be disposed into selective common contact with both of the first and second bus bars (fig. 5).

Regarding claim 2 Kobayashi discloses a non-conductive shuttle (case 30 at end of 30a & 30b) coupled to the conductive shunt.

This rejection is respectfully traversed.

With respect to claim 1 as amended herewith, as a first point, applicant claims a terminal block comprising, inter alia, first and second conductive bus bars and a conductive shunt which is adapted to be disposed between a first position in which said shunt is conductively insulated from at least one of the first and second bus bars and a second position in which said shunt conductively contacts both of the first and second bus bars. To the contrary, Kobayashi does not disclose a terminal block which includes a conductive shunt which is designed to selectively

contact a pair of spaced apart bus bars. Rather, fuse 30 in Kobayashi (which was identified by the Examiner as a conductive shunt) is disposed in permanent contact with bus bars 23 and 24. *See* paragraph [0040] of Kobayashi. As can be appreciated, because applicant's claimed shunt can be readily disposed in selective contact (i.e., either in or out of contact) with both bus bars, the shunt can thereby be used as a means for selectively commonly grounding all of the parallel bus bars of the terminal block at the same time, which is a principal object of applicant's claimed invention. *See* page 14, lines 9-17 of applicant's patent application.

As a second point, applicant respectfully disagrees with the Examiner's contention that fuse 30 in Kobayashi operates as a conductive shunt as defined in applicant's claimed invention. Rather, applicant respectfully contends that fuse 30 in Kobayashi can not be functionally construed as a conductive shunt as defined in applicant's claimed invention. Specifically, a fuse only allows for electrical current to pass between a pair of conductive elements (e.g., bus bars) when said current remains beneath a predetermined level. To the contrary, the conductive shunt of applicant's claimed invention always permits electrical current to pass therethrough (i.e., regardless of its value). As such, it is to be understood that if one were to replace the conductive shunt in applicant's claimed invention with fuse 30 shown in Kobayashi, the resulting terminal block would fail to operate properly.

With respect to claim 2 as amended herewith, applicant respectfully contends that claim 2 is in allowable form for being dependent upon claim 1, which applicant respectfully contends is in allowable form for the reasons noted above. Additionally, in claim 2, applicant claims, *inter alia*, a non-conductive shuttle for insulating the conductive shunt from the first and second bus bars when the shunt is disposed in its first position. To the contrary, Kobayashi does not disclose a non-conductive shuttle for selectively insulating a conductive shunt from first and second bus

bars. Rather, it is readily apparent that no portion of fuse 30 in Kobayashi (including the portion of fuse 30 defined by the Examiner as case 30) serves to insulate terminals 30a and 30b of Kobayashi from bus bars 23 and 24.

Withdrawal of the rejection of claims 1-2 under 35 U.S.C. 102(e) as being anticipated by Kobayashi is respectfully urged.

Claims 23-24 and 29-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,963,296 to D.W. Glover et al. (hereinafter Glover) in view of U.S. Patent No. 5,525,079 to S. Johnson (hereinafter Johnson). In support of the rejection, the Examiner commented,

Glover discloses a terminal block (1) for conductively coupling at least one pair of electrical wires (fig. 1), the terminal block comprising: a non-conductive base (col. 2 line 10), an end cap (34) mounted on the base, the end cap being adapted to be mounted on a DIN rail (2), the end cap having an outer end wall (fig. 1), and a DIN rail lock (40) the DIN rail lock being adapted to selectively engage the DIN rail (fig. 1).

Glover does not disclose a bus bar or the DIN rail lock inside the outer end wall. Johnson discloses a bus bar (200) and a DIN rail. At the time the invention was made it would have been obvious to one of ordinary skill in the art to include a bus bar in the device of Glover as taught by Johnson. This modification is well known in the art and in fact is suggested by Glover since he does disclose a high voltage block. At the time the invention was made it would have been obvious to one of ordinary skill in the art to modify Glover by having the DIN rail lock disposed inside the outer end wall. The motivation for this position alteration would be to provide more room on the DIN rail for other connections. Well settled case law has said that barring any important reason to do so merely shifting the location of parts is not grounds for patentability *In re Japiske*, 181 F. 2d 1019, 1023, 86 USPQ 70,73 (CCPA 1950)

Regarding claim 24 Glover discloses that the DIN rail lock is coupled to at least one of the base and the end cap (fig. 1).

Regarding claim 30 Glover discloses that the end cap is snap-fit mounted (at 38) onto the mounting block of the base.

This rejection is respectfully traversed.

Applicant wishes to note to the Examiner that claims 23-24 and 29-30 are being canceled herewith, thereby rendering the rejection moot.

Withdrawal of the rejection of claims 23-24 and 29-30 under 35 U.S.C. 103(a) as being unpatentable over Glover et al in view of Johnson is respectfully urged.

On page 5 of the first Office action dated 6-7-05, the Examiner commented,

Claims 3-12, 25-28, 31-33 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The combination of 3 specifically the movable shuttle. The combination of 3 [11] specifically the spring chamber coupling. The combination of claim 13 specifically the captive screw retained in the bore of the cover. The combination of claim 25 specifically the DIN rail lock pin. The combination of claim 31 specifically the tooth that engages a rib on the end cap.

Accordingly, applicant wishes to note to the Examiner that claims 3, 11, 25 and 31 have been rewritten in independent form, as suggested by the Examiner. As such, claims 3-12, 25-28 and 31-33 (as well as previously allowed claims 13-22) should be in allowable form.

The prior art made of record and not relied upon by the Examiner is noted.

Allowance of the application with claims 1-22, 25-28 and 31-33 is earnestly solicited.

If there are any fees due in connection with the filing of this paper that are not accounted for, the Examiner is authorized to charge the fees to our Deposit Account No. 11-1755. If a fee is required for an extension of time under 37 C.F.R. 1.136 that is not accounted for already, such an extension of time is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 9-7-05.

  
Daniel S. Kriegsman